

DART Committee Site Visit to Wheaton, IL
Prepared from notes taken by Judge Bobbi Alpers

Court Name & Location: Wheaton, IL. DuPage County Justice Center

Site visit date: September 10, 2009

Site visit team members: E. Dean, J. Olson, S. Ruhnke, M. Lucey, A. Potterfield, B. Alpers

1. Court Background Information

- a. Number of judges
 - i. # of general jurisdiction judges 16
 - ii. # of limited jurisdiction judges 30 (approximate)
 - iii. Total # of judges 46
- b. Number of courtrooms 40
- c. Number of court reporters employed by court 26
 - i. Number of certified steno court reporters (not real-time) 21
 - ii. Number of certified real-time court reporters 5
- d. Number of electronic recording monitors who are not certified court reporters 0
- e. Source of funding for DART (local, county, state) (unsure: County?)

2. Judicial support staff for each judge (# and types):

In courtroom: Clerk and sheriff's deputy

Outside courtroom: secretary for 2-3 judges and court reporter monitoring 4 courtrooms

3. History of electronic recording in this court

- a. Year they began using electronic (tape or digital):
- b. Year they began using digital recording: 1998
- c. Reason(s) why they implemented digital recording: new court facility and asked to do pilot project
- d. Which DART system (e.g., FTR) Court Smart
- e. Reasons they selected this system rather than one of the others: hard wired and not on network
- f. Have they always used this vendor? (If "no" – explain): yes

3. Description of the DART system

- a. How many courtrooms have a DART system? 28
 - i. # with audio only 28
 - ii. # with video
 - iii. If only some have video, explain why some do and some do not:

b. What DART-related equipment is in each courtroom?

- i. PC-based vs. proprietary recorder system?
- ii. Describe the PC
 - a) Processor
 - b) Hard drive (#G-bytes)
- iii. # microphones (and location in courtroom) 6-12; bench, well, tables, standing mic for jury selection, witness chair
- iv. Type of A/V mixer (max. # of channels)
- v. Describe PA system
- vi. Conference phone integrated with system?
- vii. Remote interpreter equipment integrated with system?

c. Back-up and long-term archiving of digital recordings

- i. Describe how the digital recordings are backed-up each day simultaneously daily on DVDs
- ii. Describe how they are archived for long-term storage (DVDs v. network) DVDs on-site and at one off-site location

d. Cost per courtroom for their DART system (best estimates)

- i. PC (with A/V card)
- ii. Digital recording management software
- iii. Microphones Mics, mixer, PA: \$18,000-\$29,000
- iv. AV mixer
- v. Cables
- vi. Cameras
- vii. Installation cost
- viii. Annual service agreement for equipment \$90,000/year for all
- ix. Annual service agreement for software
- x. # of courtroom staff to operate/monitor system 1 court reporter monitors 4 courtrooms from a separate area of the courthouse
- xi. [Additional central tech staff to manage DART for all courtrooms?]
Administrator & Assistant Administrator for whole program
- xii. TOTAL Cost per courtroom For purchase and installation of latest system (day of visit) \$28,000

4. Daily management of the digital recording system in the courtrooms

- a. Staff in each courtroom clerk present to aid in the notes

- b. Central management staff? Administrator & Asst. Admin. schedule people and maintain all equipment
 - c. Explain staffing assignments (*see above*)
 - d. Explain daily procedures for those who manage the system: The Administrator and Assistant take care of equipment & scheduling of court reporters; help with any installation of new equipment; maintains PCs if possible; make sure any problems are resolved in courtrooms and in monitoring room; are available by phone if any problems arise
- 5. **Courtroom procedures for attorneys and litigants to ensure complete and clear recordings**
 - a. Explain procedures: Mics are marked "This is the microphone. Speak into it." Judge explains at beginning of session about use of mic and identifying self as the speaker and prompts attorneys/witnesses to identify selves
 - b. Problems or issues for attorneys/litigants: Identification of speakers so record can correctly identify who was speaking
- 6. **Challenges presented by the use of DART:**
 - a. Jury selection Mic on stand must be moved around to get responses for record; chambers aren't wired so all jurors must be interviewed in the courtroom
 - b. Requests for playback of witness testimony or attorney questions Clerk plays back and all can listen to question, answer, etc.
 - c. Distribution/use of the audio/video records (any restrictions/limits?)
 - i. E.g.: MN – digital records are not public records; not available to public? The DVDs are public records However, non-parties/attorneys cannot show up at the monitoring center and ask to have a record played for them or purchase a DVD
- 7. **Types of cases or proceedings that are most amenable to the use of DART (without a court reporter)**
 - a. Observations of judges Judges like for all cases (Judges were assigned to Chancery) Judges for other divisions of the court did not speak
 - b. Observations of attorneys Attorneys (OWI, family law) like DART; like the ease of play back of the question, etc. Attorneys for other matters: opinion unknown
- 8. **Types of cases or proceedings that are least amenable to the use of DART (without a court reporter)**
 - a. Observations of judges N/A (see comment above)
 - b. Observations of attorneys Unknown
- 9. **Reliability of the DART system (% of time that it operates with technical problems or failures)**

- a. Hardware:
- b. Software:
- c. Human error: Described as 90% reliable

10. Accuracy of the digital records: Completeness and clarity of the digital recordings: Issues and concerns

- a. Observations of judges: Believe they are complete and clear; do request DVD of a closing argument to listen before ruling on a case
- b. Observations of court manager/tech staff: problems with unidentified speakers
- c. Observations of court reporters/DART monitors: problems with unidentified speakers
- d. Observations of attorneys: problems with unidentified speakers

11. Written transcripts

- a. Who produces them? Court reporters who monitor courtrooms
- b. *Qualifications for transcriptionists?* Court reporter with certification if possible (now 100%)
- c. Process for requesting & obtaining a transcript Call and request reporter who monitored does the transcript as requested
- d. Completeness and accuracy of written transcripts: Issues and concerns
 - i. Observations of judges: none; they don't see these typically
 - ii. Observations of attorneys: problems that come from an unidentified speaker being incorrectly identified; lawyers said this is easily corrected from the context

12. Advantages of courtroom DART systems

- a. Observations of judges: can have questions/answers played back quickly; can have DVD of closing arguments or portions of evidence to use in ruling; use 1 reporter for 4 courtrooms
- b. Observations of court manager/tech staff: can back up record simultaneously;
- c. Observations of court reporters/DART monitors
- d. Observations of attorneys: Can get a play-back easily

13. Disadvantages of & problems with courtroom DART systems

- a. Observations of judges: No chambers conference with record because chambers not wired
- b. Observations of court manager/tech staff: No provision for equipment "upgrades" was purchased and Admin. supervisor is concerned that system will begin to fail or require significant investment to prevent/cure this

- c. Observations of court reporters/DART monitors: Cannot always readily identify speakers because you are not in the room when the speaking occurs
- d. Observations of attorneys: Need a 2 year learning curve to really get comfortable with this system

14. Satisfaction with their DART system: Would they recommend it? (Explain)

- a. Observations of judges: yes
- b. Observations of court manager/tech staff: Yes but use court reporters to operate it
- c. Observations of court reporters/DART monitors: It works but is not as accurate as an in-court reporter
- d. Observations of attorneys: yes

15. Recommendations/cautions for the Iowa courts regarding DART

- a. Observations of judges Off-site transcriptionists would be a concern: need the vocabulary & familiarity with the applicable law.
- b. Observations of court manager/tech staff Get a contract for upgrades to keep the equipment current; need a point person to "sell" this to lawyers, judges; use reporters to monitor and do transcripts
- c. Observations of court reporters/DART monitors Speaker identification is an ongoing problem when typing the transcript
- d. Observations of attorneys Need the learning curve time of approximately 2 years for lawyers to adjust

Site Visit Narrative on Wheaton, IL
From Esther J. Dean

I have chosen to do a written narrative on the site visit to the DePage County Justice Center at Wheaton, Illinois. On September 10, 2009, Jerry Olson, Scott Ruhnke, Martha Lucey, Amanda Potterfield, Bobbi Alpers and I made that trip.

DuPage County has an approximate population of one million people. Wheaton is a well-to-do community of approximately 55,000 people. As a side note, the DuPage County Bar Association has approximately 2200 members.

The Justice Center is a beautiful complex consisting of four buildings located around a well manicured courtyard. The Courthouse building was constructed in 1994. It has forty-three (43) courtrooms and twenty-six (26) of them have the CourtSmart digital recording system. The system was being installed in an additional courtroom the date of our visit. There are forty-six judges (46) located in the Courthouse.

Our hostess and tour guide was Geri Barnes who is the Administrator of Court Reporting Services. She is also a court reporter. Geri is very knowledgeable about the CourtSmart system and its inner workings. She said she was present for the installation of the system as that was the only way she could understand the system. She coordinates the entire system with the assistance of her support staff.

The DuPage County system was installed ten years ago. It was not exactly clear to me why they implemented digital recording. Several possible reasons cited were: 1) a pilot program; 2) a hiring freeze; 3) a shortage of court reporters; and 4) a possible unionization of court reporters. Money did not seem to be a big factor.

Geri stressed the fact that no employees lost their jobs as a result of the implementation of the system. When told that the Iowa recommendation would eliminate court reporters, Geri said she would “recommend against that”. That was before she knew that Iowa court reporters also act as a receptionist, secretary, court attendant and gate keeper for their judge. Twenty-six (26) court reporters are still used at Wheaton in addition to other support staff necessary to run the system in an efficient manner.

While twenty-seven (27) of their courtrooms have CourtSmart, at least twelve (12) do not. CourtSmart is not used for felony cases and most juvenile cases. They still use court reporters for those cases. Attorneys do not have to use the digital recording system as they can provide their own court reporter for any proceeding. However, CourtSmart is the “official” record of any proceeding.

When asked about the cost of the system and the annual budget for the system, Geri said she did not have a budget amount. She said the cost of the installation of CourtSmart in the courtroom is \$26,000.00. Their system is a basic one with no “bells or whistles”. They have a \$90,000.00 annual maintenance agreement. Geri’s salary, the court reporter’s salaries, the support staff salaries and other costs which would be included in a budget are unknown. As this was a newer facility (compared to most of the Iowa courthouses), there seemed to be enough space for the large control room and for the support staff without adding to it.

Our team also met with three judges, two attorneys and others who expressed their opinions about the CourtSmart system. Everyone liked it and there were no concerns about accuracy or reliability in those cases where it is used. If there were any folks who had negative feedback or concerns, we did not speak with them.

Geri said at first there was a great deal of resistance and negativity by attorneys and others about the system. It took about two years to work out the "growing pains" and gain the support of staff, attorneys and those who used the system.

I asked about Illinois currently hiring court reporters and Geri said that would mostly be Cook County. DuPage County is not hiring court reporters now.

Query? Assuming that digital recording systems are accurate and reliable and an acceptable alternative to court reporters, how can Iowa afford such a change when we have a budget crises? For instance:

1. \$26,000.00 per court room at 150 (?) courtrooms. Does not include control room and associated costs;
2. Annual maintenance agreement with unknown costs (\$3462.00 annually per courtroom in Wheaton all in same location);
3. Support staff to efficiently coordinate and run system – costs unknown;
4. Potential for lack of space in older buildings to house control room and additional staff;
5. Potential for problems with wiring and acoustics in older buildings; and
6. Additional staff to replace those duties now being assumed by court reporters.

If anyone has questions, I would be glad to speak with you.

Esther

DART Committee: Site Visit Report on Wheaton, IL

Prepared by Martha Lucey

Court Name & Location: DuPage County, Wheaton, IL

Site visit date: September 10, 2009

Site visit team members: Judge Amanda Potterfield, Judge Bobbie Alpers, Esther Dean, Martha Lucey, Jerry Olson & Scott Ruhnke.

1. Court Background Information

- a. Number of judges
 - i. 16 Circuit - general jurisdiction judges
 - ii. 30 associate - limited jurisdiction judges
 - iii. 46 = Total # of judges
- b. Number of courtrooms = 43 (???)
- c. Number of court reporters employed by court
 - i. Number of certified steno court reporters (not real-time) = 26
 - ii. Number of certified real-time court reporters = 0
- d. Number of electronic recording monitors who are not certified court reporters = 0
- e. Source of funding for DART (local, county, state) = State funded

- 2. Judicial support staff for each judge (# and types):** 1 secretary per 2-3 judges; 2 law clerks per 46 judges. While in the court room, each judge has a clerk who runs the ER system and manages court files and docket, deputy/bailiff, and a court reporter for certain cases.

History of electronic recording in this court

- a. Year they began using electronic (tape or digital): CourtSmart installed in 1999
- b. Year they began using digital recording: 1999
- c. Reason(s) why they implemented digital recording: Money. Court reporters expressed a desire to unionize and sought support from the Supreme Court. There was a hiring freeze. Prior to 1999, the supervision of the court reporters was transferred to the Secretary of State. In 2005, in response to legislation which would allow for unionization, the Supreme Court relinquished authority over the court reporters to the Chief Judges in three regions of the State (Cook; the circuit covering DuPage, Lake, McHenry, & Will Counties; and all remaining downstate circuits). The reporters are still not unionized.
- d. Which DART system – CourtSmart
- e. Reasons they selected this system rather than one of the others. A committee was formed for the decision. They visited two sites.
- f. Have they always used this vendor? Yes

3. Description of the DART system

- a. How many courtrooms have a DART system?
 - i. # with audio only = 27 + one was being installed the evening of 9/10
 - ii. # with video = 0
 - iii. If only some have video, explain why some do and some do not:
- b. What DART-related equipment is in each courtroom?
 - i. PC-based vs. proprietary recorder system?
 - ii. Describe the PC
 - a) Processor
 - b) Hard drive (#G-bytes)
 - iii. # microphones (and location in courtroom)
 - iv. Type of A/V mixer (max. # of channels)
 - v. Describe PA system
 - vi. Conference phone integrated with system?
 - vii. Remote interpreter equipment integrated with system?
- c. Back-up and long-term archiving of digital recordings
 - i. Describe how the digital recordings are backed-up each day – Everything is burned to a DVD every day.
 - ii. Describe how they are archived for long-term storage (DVDs v. network) – quarterly the DVDs are taken off site to storage.
- d. Cost per courtroom for their DART system (best estimates)
 - i. PC (with A/V card) - ?
 - ii. Digital recording management software -?
 - iii. Microphones = 5 button; 1 stand alone
 - iv. AV mixer - ?
 - v. Cables - ?
 - vi. Cameras -?
 - vii. Installation cost = average \$26, 000/ ct room
 - viii. Annual service agreement for equipment = \$90, 000
 - ix. Annual service agreement for software - ? The \$90, 000 may include this???
 - x. # of courtroom staff to operate/monitor system = 1
 - xi. [Additional central tech staff to manage DART for all courtrooms?] - 1 ct reporter monitors 4 court rooms at a time - ???
 - xii. TOTAL Cost per courtroom - ???

4. **Daily management of the digital recording system In the courtrooms**
 - a. Staff in each courtroom – clerk, deputy/bailiff and sometimes court reporter
 - b. Central management staff? – 1 court reporter per 4 court rooms
 - c. Explain staffing assignments – court reporters are rotated according to the schedule everyone agreed upon. The court reporter rotates between ER monitoring, reporting live and preparation of transcripts.
 - d. Explain daily procedures for those who manage the system: ?? System automatically comes on at 8 a.m. and goes off at 11:00 p.m. The system records continuously regardless of whether there is a proceeding.
5. **Courtroom procedures for attorneys and litigants to ensure complete and clear recordings**
 - a. Explain procedures: Some court rooms had signs pointing out the microphones & instructing the participants to say and spell his/her name.
 - b. Problems or issues for attorneys/litigants:
6. **Challenges presented by the use of DART:**
 - a. Jury selection - No one expressed any particular problems with jury selection. We observed one court room where the stand alone microphone was placed in front of the middle of the jury box. We were informed that in that particular court room, the deputy moved the microphone between jurors. The judge would only start with the number of potential jurors that fit in the box.
 - b. Requests for playback of witness testimony or attorney questions. All of the clerks have training and instructions how to use play back. However, some clerks will tell attorneys that they do not know how to do it & the judge does not make the clerk complete the play back. Geri Barnes was not pleased by this – but the clerks are outside her chain of command.
 - c. Distribution/use of the audio/video records (any restrictions/limits?)
 - i. E.g.: MN – digital records are not public records; not available to public? The recording of the proceedings are not available to anyone other than the presiding judge. Attorneys are not given access to the recordings. The public cannot access the recording. Interesting story – Geri Barnes said a judge wanted to hear what people were saying behind his back. He went to Geri and she told him that he could not listen in from the control room and he could not have a DVD.
7. **Types of cases or proceedings that are most amenable to the use of DART (without a court reporter)**
 - a. Observations of judges – ??

- b. Observations of attorneys – the attorneys who spoke did not express an opinion where ER should not be used.

8. Types of cases or proceedings that are least amenable to the use of DART (without a court reporter)

- a. Observations of judges - felony criminal cases are exempt by Court rule.
- b. Observations of Administration & Court reporters – Geri Barnes believes that juvenile court should be the last type that ever should use ER. This is because there are too many participants and the sensitive nature of the hearings. Illinois passed a new law regarding termination of pregnancies which has added to the sensitive nature of some juvenile proceedings. A court reporter with 8 years of court reporting experience (1 year with the State using ER), expressed the opinion that ER should never be used for serious criminal cases and it was really hard to transcribe cases where there were multiple attorneys who did not continue to identify themselves.

9. Reliability of the DART system (% of time that it operates with technical problems or failures)

- a. Hardware:
- b. Software:
- c. Human error:

10. Accuracy of the digital records: Completeness and clarity of the digital recordings: Issues and concerns

- a. Observations of judges – not an issue anymore. CourtSmart is the official record in the court rooms using it.
- b. Observations of court manager/tech staff: ?
- c. Observations of court reporters/DART monitors – it can be very difficult at times if everyone does not comply with identifying themselves and speaking one at a time.
- d. Observations of attorneys – 90% - not an issue anymore.

11. Written transcripts

- a. Who produces them? The court reporters produce the transcripts. The court reporters use steno equipment and report from the DVD. Then they use the computer aided software to produce the transcript. The transcripts are done during normal business hours and the court reporter is paid separately for the transcripts. A hearing may be transcribed by multiple reporters depending on the length of the proceeding as each reporter is rotated daily. Illinois allows 49 days for the completion of transcript for indigent defendants who are incarcerated. The

reporter may be granted one 30 day extension. DuPage County does not generally request extensions. Transcripts are completed very timely.

- b. *Qualifications for transcriptionists?* – all transcripts are completed by certified court reporters
- c. Process for requesting & obtaining a transcript – the attorneys fill out a form and give it to Geri Barnes' office.
- d. Completeness and accuracy of written transcripts: Issues and concerns
 - i. Observations of judges: ??? Unsure the judges use the transcripts.
 - ii. Observations of attorneys: ** Important to consider that human error occurs no matter what system is used. The attorneys did not appear to have any issue with the transcripts. One attorney was asked whether that opinion would change if the transcripts were not produced by a certified court reporter. He was honest when saying he did not know because he had not had that experience. However, he did say Iowa should not eliminate the court reporters if using DART.

12. Advantages of courtroom DART systems

- a. Observations of judges: *Less expensive; reliable; don't have to worry about scheduling a court reporter* Judges like having access to the DVD of proceedings.
- b. Observations of court manager/tech staff
- c. Observations of court reporters/DART monitors -
- d. Observations of attorneys: The attorneys did not really seem to have any opinions against ER. An observer must question whether the attorneys' court room experience has not changed because ER does not really change anything in an attorney's world.

13. Disadvantages of & problems with courtroom DART systems

- a. Observations of judges: Need court reporter to conduct individual voir dire in cases with sensitive issues.
- b. Observations of court manager/tech staff: ?
- c. Observations of court reporters/DART monitors: Sometimes difficulty trying to distinguish between attorney's voices if they do not properly identify themselves. The court reporter preparing the transcript does not have the benefit of a video. Cautioned against expanding ER to felonies.
- d. Observations of attorneys – The attorneys appear to have continuing their practices as normal. Pointed out that normally cannot conduct any proceedings in chambers unless a court reporter is available.

14. Satisfaction with their DART system: Would they recommend it? (Explain)

- a. Observations of judges: The judges like having access to the DVD to review the record to help draft rulings.
- b. Observations of court manager/tech staff: ?
- c. Observations of court reporters/DART monitors: It is acceptable for what it is. One described it as if you want a mediocre record - then it works.
- d. Observations of attorneys: No concerns regarding transcripts. Only complaint was the clerks claiming they did not know how to do playback.

15. Recommendations/cautions for the Iowa courts regarding DART

- a. Observations of judges
- b. Observations of court manager/tech staff - A committee member asked Geri Barnes if Iowa were to decide to use ER who should be involved in the start up process to make sure whatever system established was the best it could be. Geri initially stated that everyone should not be afraid of change, etc. Eventually, Geri suggested IT, Court Administration and Court Reporters.
- c. Observations of court reporters/DART monitors – do not use it for serious felony, juvenile or multi attorney cases.
- d. Observations of attorneys – DO NOT eliminate court reporters as they are a big part of the success of ER.

****** General observations.**

- 1. DuPage County has a relatively new court house. The court took possession of the building in 1994 but had to vacate it in 1996 when it was discovered extensive mold which caused numerous illness and eventually 2 deaths.
- 2. DuPage County has a very active county bar association – 2200 members.
- 3. Although the judges have support staff- attorneys write court orders.
- 4. The cases are bar coded. The clerk scans the bar codes for each case which assists with ER.
- 5. The court system will implement electronic filing which will eliminate the use of paper court files. Clerks will still be needed to run the CourtSmart system.
- 6. The \$90, 000 maintenance contract does not include “refresh” money for new equipment or software.
- 7. The entire judicial budget is unknown.
- 8. The process for transcribing a proceeding originally reported by a certified court reporter was not discussed. Unknown whether the original court reporter is the only one who produces the transcripts or if it is also split between the rotating reporters.

9. Most participants felt the transition period was approximately 2 months. There was an initial problem with transcripts. It has been a long time since the court has received a serious complaint.
10. One judge has her chambers wired.

Conclusion: All participants appeared to believe ER is a valid alternative to court reporters in the court room. There is still the unanswered question of why Illinois has a Court Rule requiring a certified court reporter for felony cases if the system works and is accurate.

Iowa Courts DART Committee: Site Visit Report for Wheaton, IL

By Gerald Olson, Court Reporter

Court Name & Location: **DuPage County Circuit Court, Wheaton, IL**

Site visit date: Sept. 10, 2009

Site visit team members: Judge Amanda Potterfield, Judge Bobbi Alpers, Attorney Esther Dean, Attorney Martha Lucey, ICIS Senior Manager Scott Ruhnke, and Court Reporter Gerald Olson

1. Court Background Information

- a. Number of judges
 - i. # of general jurisdiction judges - 16
 - ii. # of limited jurisdiction judges - 30
 - iii. Total # of judges - 46
- b. Number of courtrooms - *I think 43*
- c. Number of court reporters employed by court
 - i. Number of certified steno court reporters (not real-time) - 26
 - ii. Number of certified real-time court reporters - 0
- d. Number of electronic recording monitors who are not certified court reporters - 0
- e. Source of funding for DART (local, county, state) - *State*

2. Judicial support staff for each judge (# and types): - *One secretary for 2-3 judges; two law clerks for 46 judges; in courtroom, each judge has clerk who runs DAR; court reporter some cases*

3. History of electronic recording in this court

- a. Year they began using electronic (tape or digital): - *1999*
- b. Year they began using digital recording:
- c. Reason(s) why they implemented digital recording: - *Money and reporters quitting*
- d. Which DART system (e.g., FTR) - *Court Smart*
- e. Reasons they selected this system rather than one of the others: - *Site visits and study*
- f. Have they always used this vendor? (If "no" – explain): - *Yes*

4. Description of the DART system

- a. How many courtrooms have a DART system?
 - i. # with audio only - *27*
 - ii. # with video - *0*
 - iii. If only some have video, explain why some do and some do not:
- b. **What DART-related equipment is in each courtroom?**
 - i. PC-based vs. proprietary recorder system?

- ii. Describe the PC
 - a) Processor
 - b) Hard drive (#G-bytes)
 - iii. # microphones (and location in courtroom) - 6
 - iv. Type of A/V mixer (max. # of channels)
 - v. Describe PA system
 - vi. Conference phone integrated with system?
 - vii. Remote interpreter equipment integrated with system?
- c. **Back-up and long-term archiving of digital recordings**
- i. Describe how the digital recordings are backed-up each day - *back up to CD daily*
 - ii. Describe how they are archived for long-term storage (DVDs v. network) -
Quarterly CDs taken to off-site storage. Safety? Don't know
- d. **Cost per courtroom for their DART system (overall best estimates)**
- i. PC (with A/V card)
 - ii. Digital recording management software
 - iii. Microphones
 - iv. AV mixer
 - v. Cables
 - vi. Cameras
 - vii. Installation cost - *\$26,000/ct room*
 - viii. Annual service agreement for equipment - *\$90,000 for all*
 - ix. Annual service agreement for software ---
 - x. # of courtroom staff to operate/monitor system - *1*
 - xi. [Additional central tech staff to manage DART for all courtrooms?] - *1 court reporter monitors 4 court rooms*
 - xii. **TOTAL Cost per courtroom** ---

5. Daily management of the digital recording system in the courtrooms

- a. Staff in each courtroom - *Clerk, bailiff or reporters*
- b. Central management staff? - *1 court reporter per 4 courtrooms*
- c. Explain staffing assignments (see above) - *Rotation*
- d. Explain daily procedures for those who manage the system: - *System records continuously – janitor, etc.*

6. Courtroom procedures for attorneys and litigants to ensure complete and clear recordings

- a. Explain procedures: - *Some rooms have instructions*

- b. Problems or issues for attorneys/litigants: - *Court reporters would know, never asked them*

7. Challenges presented by the use of DART:

- a. Jury selection - *Microphone for jury*
- b. Requests for playback of witness testimony or attorney questions - *Very difficult to do*
- c. Distribution/use of the audio/video records (any restrictions/limits?)
 - i. E.g.: MN – digital records are not public records; not available to public?

8. Types of cases or proceedings that are most amenable to the use of DART (without a court reporter)

- a. Observations of judges ---
- b. Observations of attorneys – *Hand-picked with no opinion on DART. Only court reporters at DuPage could tell you. Never present.*

9. Types of cases or proceedings that are least amenable to the use of DART (without a court reporter)

- a. Observations of judges - *Felony cases*
- b. Observations of attorneys - *Multiple lawyers a no-no.*

10. Reliability of the DART system (% of time that it operates with technical problems or failures)

- a. Hardware: - ?
- b. Software: - ?
- c. Human error: - ?

11. Accuracy of the digital records: Completeness and clarity of the digital recordings: Issues and concerns

- a. Observations of judges: - *Court Smart official record*
- b. Observations of court manager/tech staff: ---
- c. Observations of court reporters/DART monitors: - *Speaker I.D. failure*
- d. Observations of attorneys: - *90% accuracy. Two and one half day custody trial, 500 pages—50 pages not understood!*

12. Written transcripts

- a. Who produces them? - *All court reporters*
- b. *Qualifications for transcriptionists? - CSR's*
- c. Process for requesting & obtaining a transcript - *Form given to Geri Barnes*
- d. Completeness and accuracy of written transcripts: Issues and concerns
 - i. Observations of judges: --

- ii. Observations of attorneys: *Keep court reporters*

13. Advantages of courtroom DART systems

- a. Observations of judges: - *Less expensive; reliable; don't have to worry about scheduling a court reporter. Judges like time with CD.*
- b. Observations of court manager/tech staff
- c. Observations of court reporters/DART monitors
- d. Observations of attorneys: - *Not their problem. Just talk away.*

14. Disadvantages of & problems with courtroom DART systems

- a. Observations of judges: - *Can't do private records.*
- b. Observations of court manager/tech staff: --
- c. Observations of court reporters/DART monitors: - *Voice?*
- d. Observations of attorneys: - *Can't do private hearings. For example, child in a custody hearing, normally done in chambers.*

15. Satisfaction with their DART system: Would they recommend it? (Explain)

- a. Observations of judges: - *Like access to CD.*
- b. Observations of court manager/tech staff: --
- c. Observations of court reporters/DART monitors: - *Makes so-so record*
- d. Observations of attorneys: - *90% accurate – wow!*

16. Recommendations/cautions for the Iowa courts regarding DART

- a. Observations of judges: --
- b. Observations of court manager/tech staff: - *Court reporters and whoever else is in charge.*
- c. Observations of court reporters/DART monitors: - *Not for felony, juvenile or multi-voice.*
- d. Observations of attorneys: - *Keep court reporters. Ideally, group should have heard from court reporters. From further information received elsewhere, they are not picked to give an opinion.*

DART Committee: Site Visit Report for Wheaton, IL

By Judge Amanda Potterfield

Court Name & Location: _DuPage County Circuit

Site visit date: _Sept. 10, 2009

Site visit team members: Scott, Esther, Bobbi, Martha. Jerry and I

1. Court Background Information

- a. Number of judges
 - i. # of general jurisdiction judges
 - ii. # of limited jurisdiction judges
 - iii. Total # of judges
- b. Number of courtrooms
- c. Number of court reporters employed by court – 26 down from 36
 - i. Number of certified steno court reporters (not real-time)
 - ii. Number of certified real-time court reporters
- d. Number of electronic recording monitors who are not certified court reporters - 0
- e. Source of funding for DART (local, county, state)first county, then bought by state

2. Judicial support staff for each judge (# and types):

Every judge has a bailiff and a clerk in the courtroom, and access to a secretarial pool. Each has his/her own chambers near the secretarial pool. A court reporter is in every felony and juvenile courtroom in addition to the other two support staff. A court reporter is monitoring and indexing the proceedings in a separate room.

3. History of electronic recording in this court

- a. Year they began using electronic (tape or digital): 10 years ago
- b. Year they began using digital recording: 10 years ago
- c. Reason(s) why they implemented digital recording: shortage of certified court reporters
- d. Which DART system (e.g., FTR) - Court Smart
- e. Reasons they selected this system rather than one of the others: *Only system that truly has simultaneous backup.*
- f. Have they always used this vendor? (If "no" – explain): Yes.

4. Description of the DART system

- a. How many courtrooms have a DART system?
 - i. # with audio only
 - ii. # with video - none, but they wish all had video
 - iii. If only some have video, explain why some do and some do not:

- b. **What DART-related equipment is in each courtroom?**
 - i. PC-based vs. proprietary recorder system?
 - ii. Describe the PC
 - a) Processor
 - b) Hard drive (#G-bytes)
 - iii. # microphones (and location in courtroom) – 6-8: judge, bench conference, lawyer 1, lawyer 2, jury box, witness, podium
 - iv. Type of A/V mixer (max. # of channels)
 - v. Describe PA system
 - vi. Conference phone integrated with system?
 - vii. Remote interpreter equipment integrated with system?
- c. **Back-up and long-term archiving of digital recordings**
 - i. Describe how the digital recordings are backed-up each day – simultaneous backup
 - ii. Describe how they are archived for long-term storage (DVDs v. network)
- d. **Cost per courtroom for their DART system (best estimates) – 26,000 for latest additional courtroom after purchase of usps, monitors and backup equipment. This is a new courthouse – already wired for pa systems and the like. \$90,000 per year maintenance agreement. Now their pc's need replacement and they are having trouble coming up with the money.**
 - i. PC (with A/V card)
 - ii. Digital recording management software
 - iii. Microphones
 - iv. AV mixer
 - v. Cables
 - vi. Cameras
 - vii. Installation cost
 - viii. Annual service agreement for equipment
 - ix. Annual service agreement for software
 - x. # of courtroom staff to operate/monitor system 2
 - xi. [Additional central tech staff to manage DART for all courtrooms?] – court reporter
 - xii. TOTAL Cost per courtroom

5. Daily management of the digital recording system In the courtrooms

- a. Staff in each courtroom - 2

- b. Central management staff? 1 court reporter plus court reporter supervisor for courthouse
 - c. Explain staffing assignments (*see above*) *bailiff is a correctional officer, but also moves microphones around the courtroom during jury trials; clerk is present to handle files and to help with DART, but there is dissatisfaction since they apparently are unable to play back a question or answer upon request*
 - d. Explain daily procedures for those who manage the system: Court reporters rotate assignments in courthouse, from reporting felony and juvenile to monitoring and indexing DART courtrooms to preparing transcripts by "writing" from tapes at three hours for every hour of proceedings.
- 6. Courtroom procedures for attorneys and litigants to ensure complete and clear recordings**
- a. Explain procedures: required to state name but often don't. Monitoring court reporters describe problems hearing, discerning the speaker.
 - b. Problems or issues for attorneys/litigants: *Attorneys complain about not getting any read backs, but otherwise are content with transcripts*
- 7. Challenges presented by the use of DART:**
- a. Jury selection – microphone at jury box is inadequate. Support staff in courtroom pass microphone around to jurors. Jurors are identified by number and are questioned in small panels to allow for recording of questions and answers.
 - b. Requests for playback of witness testimony or attorney questions – Civil attorney told us the clerks do not know how to do this, nor do judges (this was confirmed by judges). If a problem, they ask for daily copy from reporters.
 - c. Distribution/use of the audio/video records (any restrictions/limits?)
 - i. E.g.: MN – digital records are not public records; not available to public?
 - ii. Not public records. Court reporters sanitize recording before giving it to anyone, including judge, so not so much down time, extraneous conversation and the like.
- 8. Types of cases or proceedings that are most amenable to the use of DART (without a court reporter)**
- a. Observations of judges – all agree felony and juvenile too important for DART. The two who talked to us had never used realtime and did not have a basis for discussing the loss of the simultaneous transcript for purpose of ruling on objections. Judges not concerned with playbacks – fact that jury hears an objectionable question twice -
 - b. Observations of attorneys – After first couple of years – very difficult at first, they are content with the record except for the inability of staff to provide playback.

9. Types of cases or proceedings that are least amenable to the use of DART (without a court reporter)
- Observations of judges
 - Observations of attorneys
10. Reliability of the DART system (% of time that it operates with technical problems or failures)
- Hardware: some difficulty when power goes out or have to take the system down, but ordinarily reliable.
 - Software: The recordings are hard to hear through the earphones in the separate room and even more garbled when a playback is attempted in the courtroom.
 - Human error: We heard about a recent problem where the wrong courtroom was activated and a judge in a contentious dissolution proceeding was angry. Court reporter told us the backup had picked up the testimony, but never made sense how.
11. Accuracy of the digital records: Completeness and clarity of the digital recordings: Issues and concerns
- Observations of judges: They are not concerned with clarity of the records.
 - Observations of court manager/tech staff: They think it is great.
 - Observations of court reporters/DART monitors: They told us it was a mediocre record, and difficult to create, requiring 3 hours to compile 1 hour of proceedings. But the reporters are paid to do it – it is just one of their rotations, so they work for their salary and then receive personally their \$3.15 per page.
 - Observations of attorneys: *the two attorneys who were brought to speak to us are content with the records they get.*
12. Written transcripts
- Who produces them? One of 26 certified court reporters.
 - Qualifications for transcriptionists? Certification by NCRA.*
 - Process for requesting & obtaining a transcript Process is through the supervising court reporter employee who assigns a court reporter to prepare the transcript.
 - Completeness and accuracy of written transcripts: Issues and concerns
 - Observations of judges: This is not their concern as trial judges.
 - Observations of attorneys: They think it is good enough, and are glad to have the backup recording for the times when they believe the transcription is wrong.

13. Advantages of courtroom DART systems

- a. Observations of judges: *Less expensive; reliable; don't have to worry about scheduling a court reporter They don't seem to worry about expense and they all had their own reporters so no problem with scheduling.*
- b. Observations of court manager/tech staff They "embraced " the change, but say it was a difficult first two years.
- c. Observations of court reporters/DART monitors – they are not happy with trying to discern the speaker and the words, but are paid to do it.
- d. Observations of attorneys: They like it fine, except for no playback.

14. Disadvantages of & problems with courtroom DART systems – see above

- a. Observations of judges:
- b. Observations of court manager/tech staff:
- c. Observations of court reporters/DART monitors:
- d. Observations of attorneys:

15. Satisfaction with their DART system: Would they recommend it? (Explain) – see above

- a. Observations of judges:
- b. Observations of court manager/tech staff:
- c. Observations of court reporters/DART monitors:
- d. Observations of attorneys:

16. Recommendations/cautions for the Iowa courts regarding DART

- a. Observations of judges – They were amazed that Iowa judges have no support staff except for reporters and aghast that Iowa judges travel to rural courthouses without courtroom support staff.
- b. Observations of court manager/tech staff – They are invested in DART, but said the first couple of years were difficult.
- c. Observations of court reporters/DART monitors – see above
- d. Observations of attorneys – see above

Site Visit Report: Wheaton, IL

By Scott Ruhnke

Court Name & Location: DuPage County Illinois

Site visit date: 9/10/2009

Site visit team members: Scott Ruhnke

1. Court Background Information

- a. Number of judges
 - i. # of general jurisdiction judges 30
 - ii. # of limited jurisdiction judges 16
 - iii. Total # of judges
- b. Number of courtrooms 43 (28 covered by Court Smart)
- c. Number of court reporters employed by court 26 (All Steno)
 - i. Number of certified steno court reporters (not real-time)
 - ii. Number of certified real-time court reporters
- d. Number of electronic recording monitors who are not certified court reporters 0
- e. Source of funding for DART (local, county, state) State

2. Judicial support staff for each judge (# and types):

- Deputy
- Court Reporter (some case types)
- Clerk

3. History of electronic recording in this court

- a. Year they began using electronic (tape or digital): 1999
- b. Year they began using digital recording: 1999
- c. Reason(s) why they implemented digital recording: Fiscal / Budgeting
- d. Which DART system (e.g., FTR) Court Smart
- e. Reasons they selected this system rather than one of the others: Central Monitoring
Functionality, Backup, and Functionality
- f. Have they always used this vendor? (If "no" – explain): yes

4. Description of the DART system

- a. How many courtrooms have a DART system?
 - i. # with audio only 28
 - ii. # with video 28 (not recorded)
 - iii. If only some have video, explain why some do and some do not:

- b. **What DART-related equipment is in each courtroom?**
 - i. PC-based vs. proprietary recorder system? Proprietary
 - ii. Describe the PC Standard ICIS Configured PC
 - a) Processor
 - b) Hard drive (#G-bytes)
 - iii. # microphones (and location in courtroom) Varies per courtroom 6 - 12
 - iv. Type of A/V mixer (max. # of channels) 4
 - v. Describe PA system Modern / High Quality
 - vi. Conference phone integrated with system?
 - vii. Remote interpreter equipment integrated with system?
- c. **Back-up and long-term archiving of digital recordings**
 - i. Describe how the digital recordings are backed-up each day Automatic and Separate from main recording
 - ii. Describe how they are archived for long-term storage (DVDs v. network) DVD's off and on-site
- d. **Cost per courtroom for their DART system (best estimates)**
 - i. PC (with A/V card)
 - ii. Digital recording management software
 - iii. Microphones
 - iv. AV mixer
 - v. Cables
 - vi. Cameras
 - vii. Installation cost
 - viii. Annual service agreement for equipment
 - ix. Annual service agreement for software
 - x. # of courtroom staff to operate/monitor system
 - xi. [Additional central tech staff to manage DART for all courtrooms?]
 - xii. TOTAL Cost per courtroom \$26,000 including maintenance

5. Daily management of the digital recording system In the courtrooms

- a. Staff in each courtroom 3-4
- b. Central management staff? Yes
- c. Explain staffing assignments (*see above*)
- d. Explain daily procedures for those who manage the system:

6. Courtroom procedures for attorneys and litigants to ensure complete and clear recordings

- a. Explain procedures: Judges play a key role in outlining courtroom procedure for use of digital recording. Use signs and other reminders
- b. Problems or issues for attorneys/litigants: A few start up issues, however no issues after a few months of using the system

7. Challenges presented by the use of DART:

- a. Jury selection Yes, used for civil trials
- b. Requests for playback of witness testimony or attorney questions Yes, in courtroom playback is used
- c. Distribution/use of the audio/video records (any restrictions/limits?)
Video is not recorded; distribution of audio is limited but public
 - i. E.g.: MN – digital records are not public records; not available to public?

8. Types of cases or proceedings that are most amenable to the use of DART (without a court reporter)

- a. Observations of judges – very positive, part of everyday life, don't even think about the system anymore
- b. Observations of attorneys same as judges

9. Types of cases or proceedings that are least amenable to the use of DART (without a court reporter)

- a. Observations of judges
- b. Observations of attorneys
Not used for serious criminal matters by rule

10. Reliability of the DART system (% of time that it operates with technical problems or failures)

- a. Hardware:
- b. Software:
- c. Human error:
Very Accurate

11. Accuracy of the digital records: Completeness and clarity of the digital recordings: Issues and concerns

- a. Observations of judges:
- b. Observations of court manager/tech staff:
- c. Observations of court reporters/DART monitors:
- d. Observations of attorneys:
Very Accurate

12. Written transcripts

- a. Who produces them? Court Reporters
- b. *Qualifications for transcriptionists?*
- c. Process for requesting & obtaining a transcript Requests are pooled
- d. Completeness and accuracy of written transcripts: Issues and concerns
 - i. Observations of judges: No Difference steno versus recorded
 - ii. Observations of attorneys: No Difference steno versus recorded

13. Advantages of courtroom DART systems

- a. Observations of judges: *Less expensive; reliable; don't have to worry about scheduling a court reporter*
- b. Observations of court manager/tech staff
- c. Observations of court reporters/DART monitors
- d. Observations of attorneys:

14. Disadvantages of & problems with courtroom DART systems None Noted

- a. Observations of judges:
- b. Observations of court manager/tech staff:
- c. Observations of court reporters/DART monitors:
- d. Observations of attorneys:

15. Satisfaction with their DART system: Would they recommend it? (Explain) Very / Yes

- a. Observations of judges:
- b. Observations of court manager/tech staff:
- c. Observations of court reporters/DART monitors:
- d. Observations of attorneys:

Very satisfied with record on appeal

16. Recommendations/cautions for the Iowa courts regarding DART

- a. Observations of judges
- b. Observations of court manager/tech staff
- c. Observations of court reporters/DART monitors
- d. Observations of attorneys